

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

HIMOLLA POLSTERMOBEL GmgH,

Plaintiff,

v.

ACW DISTRIBUTION LLC and EXCLUSIVE
FURNITURE BAVARIA LLC.

Defendants.

Civil No.: 14-5401 (KSH) (CLW)

**OPINION AND ORDER FOR
DEFAULT JUDGMENT**

Plaintiff filed this motion for default judgment on January 23, 2015 [D.E. 19], after the Clerk entered default on December 22, 2015. It requests the Court to enter judgment in its favor in the amount of \$106,133.13, which is an increase from the \$104,444.00 it sought in its complaint. [D.E. 1.] Plaintiff's rationale for the increase is that it used an improper conversation rate when it initially calculated the damages it seeks in this lawsuit. However, a "default judgment must not differ in kind from, or exceed in amount, what is demanded in the pleadings," Fed. R. Civ. P. 54(c), because the defendant is entitled to rely on the amount sought in the complaint when deciding whether to expend the time and money to defend the action. *Silge v. Merz*, 510 F.3d 157, 159 (2nd Cir. 2007). The Court is therefore limited to awarding the amount of relief requested in plaintiff's complaint.

IT IS on this 16th day of April, 2015,

ORDERED that the motion for default judgment is granted and judgment is entered in favor of plaintiff against defendants in the sum of \$104,444.00 plus costs.

/s/ Katharine S. Hayden
Katharine S. Hayden, U.S.D.J.